

1 THE HONORABLE MARSHA J. PECHMAN

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARKELETTA WILSON, MARIE
10 TOWNES, and all other similarly situated
11 individuals,

12 Plaintiffs,

13 v.

14 SEATTLE HOUSING AUTHORITY, and
15 THOMAS TIERNEY, Executive Director of
16 the Seattle Housing Authority, in his Official
17 Capacity,

18 Defendants.

NO. 09-CV-00226-MJP

STIPULATION AND ORDER FOR
CONTINUANCE OF PENDING
MOTIONS

Note for Hearing: Wednesday, 8/19/2009

19 IT IS HEREBY STIPULATED AND AGREED by and between the plaintiffs and
20 defendants in the above-referenced action that the pending cross-motions for partial summary
21 judgment and pending motion for class certification be continued to a date to be established
22 following the appearance of the Department of Housing and Urban Development as a defendant in
this matter. The bases for this motion are as follows:

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1 1. By Order dated August 10, 2009 (Sub #26), the Court granted defendants' motion to
2 add the Department of Housing and Urban Development ("HUD") as an indispensable party. By
3 separate Order that same date (Sub #27), the Court directed plaintiffs to amend their complaint and
4 serve the parties by August 28, 2009.

5 2. In accordance with the Court's Order on Motion Schedule, original and as amended,
6 (Sub #10 and #16), the parties filed their cross-motions for partial summary judgment on August 6,
7 2009, noting same for consideration on August 28, 2009. Plaintiffs also filed their motion for class
8 certification on August 6, 2009, noting it for consideration on August 28, 2009.

9 3. Pursuant to Fed.R.Civ.P. 12(a)(2), HUD need not answer, once served, for sixty (60)
10 days.

11 4. The parties believe HUD, as an entity found by the Court to be a required party,
12 should have the opportunity to be heard on the issues currently before the Court on the pending
13 cross-motions for partial summary judgment and the pending motion for class certification.

14 DATED THIS 19th day of August, 2009.

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ORDER

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1 Based upon the foregoing stipulation of the parties,

2 IT IS ORDERED as follows:

3 1. The cross-motions for partial summary judgment currently noted for
4 consideration on Friday, August 28, 2009 are continued to a date to be determine after HUD
5 appears and answers;

6 2. The parties need not file any response to the pending cross-motions for partial
7 summary judgment until such time as a new hearing date is established;

8 3. The motion for class certification currently noted for consideration on Friday,
9 August 28, 2009 is continued to a date to be determined after HUD appears and answers; and

10 4. The defendants need not file any response to the pending motion for class
11 certification until such time as a new hearing date is established.

12 DONE THIS _21st___ day of August, 2009.

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14 /s/ James L. Robart (for Marsha J. Pechman)
15 United States District Judge
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CONTINUANCE OF PENDING MOTIONS
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